

1 Remarks

2
3 Remarks Regarding the Drawings

4 The Examiner has asserted that the drawings as filed are considered informal,
5 but are acceptable for examination and publication purposes (page 2 of Office
6 Action). The Applicants note that the Examiner has not formally objected to the
7 drawings, nor has the Examiner provided specific grounds for the assertion of
8 informality. As such, the Applicants provide no proposed corrections or amendments
9 to the drawings at this time. Further, the Applicants contend that the drawings are in
10 fact formal, fully comply with the standards set forth in of 37 C.F.R. 1.84, and
11 therefore request that they be accepted as formal.

12
13 Rejection of Claims under 35 U.S.C. § 103

14 Claims 1-36 have been rejected under 35 U.S.C. § 103(a) as being obvious
15 over U.S. Patent No. 4,910,672 to Off et al. (hereinafter, "Off"). The Examiner has
16 taken Official Notice with respect to claims 2-9, 11, 13-16, 18-24, 26-32 and 34-36.

17 The Applicants respectfully disagree that claims 1-36 are obvious over Off.

18 As a starting point, MPEP 706.02(j) states:

19 "[t]o establish a *prima facie* case of obviousness, three basic
20 criteria must be met. First, there must be some suggestion or
21 motivation, either in the cited references themselves or in the
22 knowledge generally available to one of ordinary skill in the art, to
23 modify the reference or to combine the reference teachings. Second,
24 there must be a reasonable expectation of success. Finally, the prior
25 art reference (or references when combined) must teach or suggest
all the claim limitations. The teaching or suggestion to make the
claimed combination and the reasonable expectation of success must

1 both be found in the prior art and not based on applicant's disclosure."

2 (Emphasis added.)

3 In regard to claims 1-36, the Applicants will provide specific respective
4 arguments in support of the allowability of independent claims 1, 10, 12, 17, 25 and
5 33. As it is axiomatic that any claim depending from an allowable base is also
6 allowable, the Applicants do not believe it necessary to provide arguments in favor of
7 each and every dependent claim.

8
9 Claim 1

10 The Applicants assert that independent claim 1, and claims 2-9 that depend
11 therefrom, are allowable. With respect to claim 1, that claim includes the following
12 features and limitations:

13
14 A method to promote the use of consumables in an imaging
15 device, comprising:

16 detecting consumption of a consumable; and

17 when the consumption of a predefined quantity of the
18 consumable has been detected, rewarding a user of the imaging
19 device.

20 (Emphasis added.)

21
22 Off fails to teach or suggest detecting consumption of a consumable, and
23 rewarding a user of an imaging device when the consumption of a predefined
24 quantity of the consumable has been detected, as recited in combination with the
25 other features of instant claim 1. In fact, Off is completely devoid of the terms
"consumption", "consuming", or any of their respective equivalents, in any context.

1 Furthermore, Off fails to teach or suggest the detection of any sort of consumption,
2 in any way.

3 Webster's College Dictionary defines the word "consume" as follows:

4 "1. to destroy or expend by use; use up."

5 (Random House Webster's College Dictionary, pg. 293, Random House, Inc.,
6 1991, ISBN 0-679-41410-X).

7 Thus, as used in instant claim 1, the phrase detecting consumption of a
8 consumable means to detect the *expenditure* or *utilization* of a consumable, wherein
9 a user is rewarded once the consumption (i.e., use, or expenditure) of a predefined
10 quantity of that consumable has been detected.

11 In contrast, Off teaches the provision of coupons in response to the purchase
12 (i.e., a sales transaction) of a product or products at a point-of-sale location, wherein
13 said coupons can correspond directly to the purchased item(s), or to another item or
14 items (i.e., competing products) not being purchased in the present instance
15 (Abstract; Col. 4, line 5 to Col. 5, line 25; et seq. of Off). Furthermore, Off fails to
16 teach or suggest that coupons are to be provided to a user of an imaging device, as
17 recited by instant claim 1.

18 In any case, Off is exclusively directed to coupons (marketing incentives) that
19 are provided in response to the *purchase* of goods, rather than the *consumption* of
20 those goods. The act of *purchasing* a product (which may or may not be eventually
21 consumed) is not the same as the act of *consuming* that product and certainly is not
22 the same as *detecting* that consumption.

23 Therefore, Off fails to teach or suggest, in any way, at least two limitations as
24 recited by instant claim 1: a) detecting consumption of a consumable; and b)
25 rewarding a user when a consumption of a predefined quantity of the consumable
has been detected. Thus, the Applicants assert that the 103 rejection of instant

1 claim 1 is unsupportable in view of the requirements of MPEP 706.02(j), and such
2 rejection should be withdrawn.

3 For at least these reasons, the Applicants assert that claim 1 is allowable. As
4 claims 2-9 depend upon allowable claim 1, they too are allowable at least by virtue
5 of their dependence upon an allowable claim 1, as well as their own respective
6 patentable distinctions. The Applicants further assert that the corresponding Official
7 Notice as taken by the Examiner is moot in view of the axiomatic allowability of
8 dependent claims 2-9.

9
10 Claim 10

11 The Applicants assert that independent claim 10, and claim 11 that depends
12 therefrom, are allowable. With respect to claim 10, that claim includes the following
13 features and limitations:

14
15 A method to promote the use of a plurality of consumables in an
16 imaging device, comprising:

17 detecting consumption by the imaging device of individual
18 quantities of the plurality of consumables;

19 when a predefined collective quantity of the individual quantities
20 of consumables has been detected, rewarding a user of the imaging
21 device with a reward defined by a value; and

22 basing the value of the reward on the individual quantities of
23 each consumable that has been detected as being consumed by the
24 imaging device.

25 (Emphasis added.)

1 Off fails to teach or suggest detecting consumption by the imaging device of
2 individual quantities of the plurality of consumables, as recited in combination with
3 the other features of instant claim 10. Also, Off fails to teach or suggest rewarding a
4 user of the imaging device with a reward defined by a value when a predefined
5 collective quantity of the individual quantities of consumables has been detected, as
6 recited in combination with the other features of instant claim 10.

7 Again, Off is directed to providing coupons in response to the purchase of
8 goods at a point-of-sale location (i.e., retail store, etc.) and provides no teaching,
9 suggestion or motivation directed to the *detection of the consumption of*
10 *consumables by an imaging device*. Off certainly does not teach, suggest or
11 motivate detecting consumption by the imaging device of individual quantities of the
12 plurality of consumables, so as to reward a user of the imaging device with a reward
13 defined by a value when a predefined collective quantity of the individual quantities
14 of consumables has been detected, as recited by instant claim 10.

15 In view of these and other substantive deficiencies of Off, the Applicants
16 assert that instant claim 10 is allowable. As claim 11 depends from allowable claim
17 10, it is axiomatic that claim 11 is also allowable for at least this reason. The
18 Applicants further assert that the corresponding Official Notice as taken by the
19 Examiner is moot in view of the axiomatic allowability of dependent claim 11.

20 21 Claim 12

22 The Applicants assert that independent claim 12, and claims 13-16 that
23 depend therefrom, are allowable. With respect to claim 12, that claim includes the
24 following features and limitations:

25
A method to promote the use of a consumable in a plurality of
imaging devices, comprising:

1 detecting consumption of individual quantities of the
2 consumable by each of the imaging devices; and
3 when a predefined collective quantity of the individual quantities
4 of consumable has been detected, generating a reward.

5 (Emphasis added.)

6
7 Off fails to teach or suggest detecting consumption of individual quantities of
8 the consumable by each of the imaging devices, as recited in combination with the
9 other features of instant claim 12. Furthermore, Off fails to teach or suggest
10 generating a reward when a predefined collective quantity of the individual quantities
11 of consumable has been detected, as recited in combination with the other features
12 of instant claim 12. The Applicants assert that the 103 rejection of instant claim 12 is
13 invalid in view of the deficiencies of Off in further view of the supportive requirements
14 of MPEP 706.02(j), and such rejection should be withdrawn.

15 For at least these reasons, the Applicants assert that claim 12 is allowable.
16 As claims 13-16 depend from allowable claim 12, it is axiomatic that claims 13-16
17 are also allowable for at least this reason. The Applicants further assert that the
18 corresponding Official Notice as taken by the Examiner is moot in view of the
19 axiomatic allowability of dependent claims 13-16.

20
21 Claim 17

22 The Applicants assert that independent claim 17, and claims 18-24 that
23 depend therefrom, are allowable. With respect to claim 17, that claim includes the
24 following features and limitations:

1 Apparatus for providing the user of a imaging device, which is
2 configured to consume a consumable, with a reward based on a
3 consumption of the consumable by the imaging device, comprising:

4 a consumable consumption detection device configured to
5 detect quantities of the consumable that are consumed by the imaging
6 device and to generate consumption signals in response thereto;

7 an electronic writeable memory device;

8 an electronic readable memory device configured to contain a
9 user reward message;

10 a processor configured to receive the consumption signals and
11 to store a consumption value in the electronic writeable memory
12 device, the consumption value being a function of the received
13 consumption signals, the processor further configured to read from the
14 readable memory device the user reward message when the
15 consumption value is at least equal to a predetermined reward value,
16 and to visually display the reward message to the user.

17 (Emphasis added.)
18

19 Off fails to teach or suggest a consumable consumption detection device
20 configured to detect quantities of the consumable that are consumed by the imaging
21 device and to generate consumption signals in response thereto, as recited in
22 combination with the other features of instant claim 17. Furthermore, Off fails to
23 teach or suggest a processor configured to receive the consumption signals and to
24 store a consumption value in the electronic writeable memory device, as recited in
25 combination with the other features of claim 17. Further still, Off fails to teach or
suggest visually displaying an award message to a user when the consumption

1 value is at least equal to a predetermined reward value, as recited in instant
2 claim 17.

3 Off completely fails to teach, suggest or motivate rewarding a user in
4 accordance with the *detected consumption* of a predetermined quantity of a
5 consumable, in any context. As a direct result, Off fails to teach, suggest or motivate
6 the *generation of consumption signals* in response to such a consumption and
7 directed to providing the reward to the user. Off is directed to the simple provision of
8 coupons in accordance with the purchase of goods, which may or may not be
9 consumable (or consumed). Off is totally disinterested in the *consumption* of
10 anything, and thus provides no teaching or suggestion directed to *detecting* any kind
11 of *consumption*. Assuming purely for the sake of argument that Off provides some
12 sort of teachings that could construed as "detection", such teachings extend no
13 further than "detecting" the purchase of a product or products.

14 That is, under Off, a user could conceivably be "rewarded" (i.e., issued
15 incentive coupons) in response to the purchase of products *that are stockpiled and*
16 *never consumed in any way*. This is not the same as the present invention as
17 recited by instant claim 17.

18 For at least these reasons, the Applicants assert that claim 17 is allowable.
19 As claims 18-24 depend from allowable claim 17, it is axiomatic that claims 18-24
20 are also allowable for at least this reason. The Applicants further assert that the
21 corresponding Official Notice as taken by the Examiner is moot in view of the
22 axiomatic allowability of dependent claims 18-24.

23
24 Claim 25

25 The Applicants assert that independent claim 25, and claims 26-32 that
depend therefrom, are allowable. With respect to claim 25, that claim includes the
following features and limitations:

1
2 A computer-readable storage medium for use by a processor
3 configured to execute computer executable instructions to generate a
4 reward message in response to the consumption of a consumable by
5 an imaging device, the medium holding computer executable
6 instructions to:

7 detect consumption of the consumable; and
8 when the consumption of a predefined quantity of the
9 consumable has been detected, generate a reward message.

10 (Emphasis added.)
11

12 As substantially argued above, Off fails to teach or suggest the consumption
13 of a consumable by an imaging device, in any context, as recited by instant claim 25.
14 Furthermore, Off fails to teach or suggest causing a processor to detect consumption
15 of the consumable, as recited in combination with the other features of instant
16 claim 25. In view of the deficiencies of Off, and in further view of the substantially
17 analogous arguments made above in support of claims 1, 10, 12 and 17, the
18 Applicants assert that the 103 rejection of claim 25 is unsupportable and must be
19 withdrawn.

20 For at least these reasons, the Applicants assert that instant claim 25 is
21 allowable. As claims 26-32 depend from allowable claim 25, it is axiomatic that
22 claims 26-32 are also allowable for at least this reason. The Applicants further
23 assert that the corresponding Official Notice as taken by the Examiner is moot in
24 view of the axiomatic allowability of dependent claims 26-32.
25

1 Claim 33

2 The Applicants assert that independent claim 33, and claims 34-36 that
3 depend therefrom, are allowable. With respect to claim 33, that claim includes the
4 following features and limitations:

5
6 A computer-readable storage medium for use by a processor
7 configured to execute computer executable instructions to generate a
8 reward message in response to the consumption of at least one
9 consumable by an imaging device, the medium holding computer
10 executable instructions to:

11 receive consumption signals from a consumption detection
12 device configured to detect quantities of at least one of the
13 consumables which are consumed by the imaging device;

14 calculate a consumption value as a function of the received
15 consumption signals and store the consumption value in a readable
16 memory device;

17 determine when the consumption value is at least a
18 predetermined reward value;

19 generate the reward message when the consumption value is at
20 least the predetermined reward value and;

21 visually display the reward message.

22 (Emphasis added.)

23
24 Off fails to teach or suggest receiving consumption signals from a
25 consumption detection device configured to detect quantities of at least one of the
consumables which are consumed by the imaging device, as recited in combination
with the other features of instant claim 33. Also, Off fails to teach or suggest

1 calculating a consumption value as a function of the received consumption signals
2 and store the consumption value in a readable memory device, as recited by instant
3 claim 33. Furthermore, Off fails to teach or suggest generating [a] reward message
4 when the consumption value is at least the predetermined reward value, as recited in
5 combination with the other features of claim 33.

6 Off is completely disinterested in, and devoid of, any teachings or suggestions
7 directed to:

8 A) a consumption device configured to detect quantities of a consumable
9 consumed by an imaging apparatus; or

10 B) receiving consumption signals from the consumption device; or

11 C) calculation of a consumption value as a function of the consumption
12 signals; or

13 D) generation of a reward message when the consumption value is at least a
14 predetermined award value.

15 Off fails to teach, suggest or motivate numerous features and limitations of
16 the present invention as recited by instant claim 33. Therefore, the Applicants assert
17 that the 103 rejection of claim 33 is unsupportable in view of MPEP 706.02(j).

18 For at least these reasons, the Applicants assert that claim 33 is allowable.
19 As claims 34-36 depend from allowable claim 33, it is axiomatic that claims 34-36
20 are also allowable for at least this reason. The Applicants further assert that the
21 corresponding Official Notice as taken by the Examiner is moot in view of the
22 axiomatic allowability of dependent claims 34-36.

23 The Applicants believe that the following Table 1 helps to summarize and
24 clarify the substantive differences between the teachings of Off and various of the
25 limitations as recited by instant independent claims 1, 10, 12, 17, 25 and 33:

(Continued on next page.)

TABLE 1		
Feature or Limitation	Reciting Instant Claims	Off et al.
Detecting consumption of a consumable	1, 10, 12, 17, 25 and 33	No
Detected consumption occurs within or by an imaging device	1, 10, 12, 17, 25 and 33	No
Detection corresponds to consumption of plural individual quantities	10 and 12	No
Reward is generated or issued in accordance with a detected quantity of consumption	1, 10, 12, 17, 25 and 33	No
Issuance of coupon(s) in sole response to purchasing product(s)	(none)	Yes

As seen by inspection of Table 1 above, there is no sufficient nexus between the features and limitations respectively recited by instant independent claims 1, 10, 12, 17, 25 and 33, and the teachings, suggestions or motivations provided by Off, to support the 103 rejections of the instant claims. Quite simply, Off is directed to solving a different problem in a different way – namely, the issuance of immediate, point-of-sale coupons to purchasers of products, wherein any later consumption of the products is irrelevant under Off. As result, the Applicants respectfully request that the respective 103 rejections of claims 1-36 be withdrawn.

(Continued on next page.)

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The Examiner is respectfully requested to contact the below-signed representative if the Examiner believes this will facilitate prosecution toward allowance of the claims.

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